

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JACQUES S. GREENE,

Plaintiff,

v.

OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:14-cv-1809

Judge Peter C. Economus

ORDER

Plaintiff Jacques Green brought this employment discrimination case against Defendant The Ohio State University under the Americans with Disability Act and Title VII of the Civil Rights Act. In an Order and Report and Recommendation dated October 14, 2014, the Magistrate Judge granted Plaintiffs' motion to proceed *in forma pauperis* and recommended that the case be dismissed under 28 U.S.C. §§ 1915(e)(2) and 1915A. Section 1915(e)(2) provides that "the court shall dismiss the case . . . if . . . the action . . . (i) is frivolous or malicious [or] (ii) fails to state a claim on which relief may be granted." The Magistrate Judge found that Plaintiff's complaint is time-barred because he failed to file it within 90 days of receiving his right-to-sue letter from the EEOC. Moreover, the Magistrate concluded that, even if Plaintiff had timely commenced this action, dismissal would still be appropriate because his complaint fails to set forth sufficient facts to state a claim upon which relief may be granted. Specifically, Plaintiff fails to allege facts from which this Court could infer a violation of either the ADA or Title VII.

The Report and Recommendation specifically advised the parties that failure to object to the Report and Recommendation within fourteen days results in a "waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report & Recommendation 8-9, Dkt. 3.) The time period for filing objections has expired. No party has objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of the Magistrate Judge pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, Plaintiff's action is **DISMISSED**. The Clerk is **DIRECTED** to remove this action from the Court's pending case list.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE